

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Finance Department

Expenditure, Revenue and Control Branch

Notification

2/3/85-Fin(R&C)

In exercise of the powers conferred by section 4 of the Goa, Daman and Diu Toddy Tappers Welfare Fund Act, 1984 (17 of 1985), the Government of Goa, Daman and Diu after consultation with the recognised toddy tappers association, hereby frames the following scheme, namely:—

The Goa, Daman and Diu Toddy Tappers Welfare Fund Scheme, 1985

(See Section 2(d) and Section 4 of the Goa, Daman and Diu Toddy Tappers Welfare Fund Act, 1984)

CHAPTER I

Preliminary

1. **Short title and commencement.**— (1) This scheme may be called the "Goa, Daman and Diu Toddy Tappers' Welfare Fund Scheme 1985."

(2) It shall come into force on such date as the Government may by notification in the Official Gazette appoint.

Definitions:— (1) In this Scheme unless the context otherwise requires—

(a) "Act" means the Goa, Daman and Diu Toddy Tappers Welfare Act, 1984 (17 of 1985).

(b) "Calendar Year" means the year commencing on the first day of January.

(c) "Financial Year" means the year commencing from the 1st day of April.

(d) "Member-Secretary" means the Commissioner of Excise appointed under section 2 of the Goa, Daman and Diu Excise Duty Act, 1964.

(e) "Registered Toddy Tapper" means a person who is a Toddy Tapper engaged in toddy tapping operation in the Union territory of Goa, Daman and Diu and is registered as such by the Member-Secretary.

(f) "Family" of the registered toddy tapper means and includes his spouse, dependent children, dependent parents, unmarried daughters, and the widow and children of a pre-deceased son of a registered Toddy Tapper.

(g) "Permanent Disablement" means such disablement as incapacitates a toddy tapper for "toddy tapping operation" permanently.

(h) "Temporary Disablement" means such temporarily disablement as incapacitates a toddy tapper from continuing the 'toddy tapping operation' for a minimum period of two weeks or more.

(i) "Member of the Toddy Tapper Welfare Fund Board" means a member appointed by the Government under sub-section (2) of section 6 of the Act.

(2) All other words and expressions used in this Scheme but not defined shall have the meaning respectively assigned to them in the Act.

CHAPTER II

Toddy Tappers Welfare Fund Board

3. **Constitution of the Board.**— (1) The Board shall consist of the following members:

(i) Chairman of the Board as appointed by the Government.

(ii) Four official members as appointed by the Government as indicated below:

(a) a representative from the Finance Department.

(b) the Commissioner of Excise who shall be the Member Secretary of the Board.

(c) one representative from the Directorate of Social Welfare.

(d) a medical officer preferably an Orthopaedic Surgeon, from the Goa Medical

College or the Directorate of Health Services.

(iii) Three non-official members appointed by the Government as indicated below:

(a) a M.L.A.

(b) two representatives of the registered and recognised Toddy Tappers Association.

4. Term of the office of the Board.—The term of the non-official members of the Board shall be for two years and the term of the official members shall be continuing:

Provided that the Government shall have the right to appoint any person on the Board at any time in substitution of any other member or/and to fill a vacancy.

5. Meetings.—The Board shall meet at least once in a month or at convenient intervals to dispose off the matters entrusted to the Board.

6. Quorum.—No business shall be transacted at a meeting of the Board unless at least three members are present.

7. Decisions.—All the decisions taken in the meeting of the Board shall be passed by majority of the members present and voting and shall be final.

8. Functions of the Board.—The Board shall deal with all matters enumerated in the Schedule to the Act and shall also provide for these matters by way of resolutions in the meetings except for which specific provision has been made in the Scheme.

CHAPTER III

Compensation

9. Death.—(1) In the event of natural death no members of the family of a registered toddy tapper shall be entitled or eligible for any compensation from or out of the fund.

(2) In the event of death of a registered toddy tapper occurring due to injury in the course of toddy tapping operation, his nominee shall be entitled for a lump sum compensation not exceeding Rs. 25,000/- (rupees twenty five thousand only) in cash or in the manner as may be decided by the Board.

10. Disablement.—(1) In the event of permanent disablement caused to a registered toddy tapper due to injury in the course of toddy tapping operations, he shall be entitled to a compensation not exceeding Rs. 15,000/- (rupees fifteen thousand only) in cash or in the manner as may be decided by the Board.

(2) Temporary Disablement—In the event of disablement caused to a registered toddy tapper due to injury in the course of toddy tapping operation resulting into temporary disablement for not less than two weeks, he shall be entitled for a compensation of Rs. 15/- (rupees fifteen only) per day.

11. Compensation payable hereunder to be in addition to any other compensation.—The compensation payable under the Scheme to a registered toddy tapper shall be in addition to any other compensation

to which he is entitled under any other law in force.

12. Certification of death, permanent and temporary disablement.—There shall be a Committee of the following to assist the Board in determining the cause and nature of death and injury and any other contingencies arising therefrom—

(i) Member Secretary of the Board.

(ii) Member (Medical Officer of the Board).

(iii) Member (one of the representatives of the registered and recognised Toddy Tappers' Association as may be appointed by the Government).

13. Government to give directions if considered necessary.—Notwithstanding any provisions made in the Scheme or any decision taken by the Board, the Government shall have the right to give directions as may be considered necessary in the interest of the registered toddy tappers or for the smooth and proper functioning of the Board or for any other matter for the proper and effective implementation of the Scheme.

14. Nomination.—(1) A toddy tapper shall on the date of his registration as a registered toddy tapper make a nomination in Form 1 or Form 2, conferring on one or more persons the right to receive the compensation payable under clause 9:

Provided that if at the time of making the nomination.—

(i) the registered toddy tapper has a family, the nomination shall not be in favour of any person or persons other than the members of his family; or

(ii) the registered toddy tapper has no family, the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

(2) If a registered toddy tapper nominates more than one person under sub-clause (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of compensation.

(3) A registered toddy tapper may provide in the nomination.—

(i) that in respect of any specified nominee who predeceases the registered toddy tapper, or who dies after the death of the registered toddy tapper but before receiving the payment of compensation the right conferred on that nominee shall pass to such other person as may be specified in the nomination:

Provided that if at the time of making the nomination the registered toddy tapper has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family:

Provided further that where a registered toddy tapper has only one member in his

family, and a nomination has been made in his favour, it is open to the registered toddy tapper to nominate alternate nominee or nominees in favour of any person or a body of individuals, whether incorporated or not;

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by a registered toddy tapper who has no family at the time of making it, or the nomination made by a registered toddy tapper under the second proviso to clause (i) of sub-clause (3) where he has only one member in his family shall become invalid in the event of the registered toddy tapper subsequently acquiring a family, or an additional member in the family, as the case may be.

(5) A registered toddy tapper may, at any time, cancel a nomination by sending a notice in writing to the Board:

Provided that he shall, along with such notice, send a fresh nomination made in accordance with this clause.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under item (i) of sub-clause (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of item (ii) of that sub-clause, the registered toddy tapper shall send to the Board a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this clause.

(7) Every nomination made, and every notice of cancellation given, by a registered toddy tapper shall, to the extent that it is valid take effect from the date on which it is received by the Board.

Forms

FORM 1

Nomination for compensation

When the registered toddy tapper has a family and wishes to nominate one member, or more than one member, thereof.

I ... hereby nominate, the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, the amount of compensation that may be sanctioned by the Board in the event of my death to the extent specified below,

Original nominee(s)				Alternate nominee(s)	
Names and addresses of nominee/nominees	Relationship with the registered toddy tapper	Age	Amount of share of compensation payable to each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the registered toddy tapper or the nominee dying after the death of the registered toddy tapper but before receiving payment of compensation	Amount of share of compensation payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

*This column should be filled in so as to cover the whole amount of compensation.

**The amount/share of the compensation shown in this column should cover the whole amount/share payable to the original nominee(s).

This nomination supersedes the nomination made by me earlier on ... which stands cancelled.

Note: (i) The registered toddy tapper shall draw lines across space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this ... day of ... 198... at ...

Witnesses to signature:

1. ...
2. ...

Signature or thumb impression of registered toddy tapper

(to be filled in by the ...)

Nomination by ...

Signature of ...

Designation ...

Date ...

Office ...

Designation ...

Proforma for acknowledging the receipt of the nomination Form by the Board

To ...

Sir,

In acknowledging the receipt of your nomination, dated the .../cancellation, dated the ... of the nomination made earlier in respect of compensation in Form ..., I am to state that it has been fully placed on record.

Signature of Chairman of the Board

Place ...

Dated ...

Note.—The registered toddy tapper is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

FORM 2

Nomination for compensation

When the registered toddy tapper has no family and wishes to nominate one person or more than one person.

I ... having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, the amount of compensation that may be sanctioned by the Board in the event of my death to the extent specified below,

Original nominee(s)				Alternate nominee(s)	
Names and addresses of nominee/nominees	Relationship with the registered toddy tapper	Age	Amount of share of compensation payable to each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee predeceasing the registered toddy tapper or the nominee dying after the death of the registered toddy tapper but before receiving payment of compensation	Amount of share of compensation payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

*This column should be filled in so as to cover the whole amount of the gratuity.

**The amount/share of the compensation shown in this column should cover the whole amount/share payable to the original nominee(s).

This nomination supersedes the nomination made by me earlier on ... which stands cancelled.

Note: (i) The registered toddy tapper should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this ... day of ... 198... at ...

Witnesses to signature:

1. ...
2. ...

Signature or thumb impression
of registered toddy tapper

(to be filled in by the ...)

Nomination by ...	Signature of ...
Designation ...	Date ...
Office ...	Designation ...

**Proforma for acknowledging the receipt of the
nomination Form by the Board**

To

...

Sir,

In acknowledging the receipt of your nomination, dated the .../cancellation, dated the ... of the nomination made earlier in respect of compensation in Form ..., I am to state that it has been duly placed on record.

Place ...

Dated ...

Signature of the Chairman

Note.—The registered toddy tapper is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

By order and in the name of the Administrator
of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 23rd August, 1985.